

Decision Notice
Ming Bar Recreational Aircraft Landing Area
Environmental Assessment

Montana Fish, Wildlife and Parks
Region 4
4600 Giant Springs Road
Great Falls MT 59405

May 20, 2002

INTRODUCTION

This EA addressed the question of whether or not to allow small aircraft to land at Ming Bar on the Beartooth Wildlife Management Area (WMA).

This assessment was initiated based upon the request of the Montana Pilots Association (MPA). They petitioned by letter to open an airstrip on Ming Bar for the use of non-commercial fixed wing aircraft. It was a controversial issue. Montana Fish Wildlife & Parks (FWP) maintains a log documenting substantial informal communications with the MPA, individual pilots and other interested parties beginning in the spring of 2001 and continuing through the EA public comment period. Outside of the public comment period, substantial discussions were held with other organizations and individuals to address the request. The issue has received considerable public disclosure in area newspapers (Great Falls, Helena, Billings) and over the airwaves of local and statewide TV and radio stations.

PUBLIC COMMENT

A period for public comment was established for the EA from March 22, 2002 through April 30, 2002. All comments received remain on file at the Great Falls office, FWP and are available for public review. Public comment addressed several minor errors, omissions and statements needing clarification. Consideration and evaluation of public comment is distilled in the attached Public Comment and Issues Addendum to the EA.

Written comment amounted to 332 individual responses, of which 318 were received in a timely fashion and were included in the analysis. Two hundred seventy one (271) responses endorsed the "No Action" alternative (alternative 1) of the draft EA; 48 respondents favored opening an airstrip as a function of alternative 2 (use dates from May 15 to November 30) or alternative 3 (use dates June 1 to August 31). Further analysis of comment follows:

Comment received late (post-April 30; not considered)	13
Comment opposed to airstrip development (support "No Action")	271
-included 3 nonresident responses, balance were MT	
-included 19 organizations and 251 individual responses	

Comment favoring airstrip use and development (alt. 2 or 3)	48
-included 9 nonresident responses, balance were MT	
-included 3 organizations and 45 individual responses	
Total comment received	332

Prior to release of the EA, FWP received approximately 60 calls and letters. All comments were carefully read and considered. No two comments were alike. No form letters or standard post cards were received. Relatively few, less than ten percent, simply tendered an opinion. Proponents argued fairness, equality and reasonable accommodation. Opponents argued proprietary rights, wildlife and recreation impacts. No comment was received that diminished the richness of the wildlife resource on the Beartooth or minimized the value of the WMA.

Commenters also addressed several errors, omissions and statements needing clarification. The responses are included in a Public Comment and Issues Addendum attached to this Decision Notice.

DECISION

Based on the information offered, I select the “No Action” alternative in the draft EA.

By this decision, a request of the Montana Pilot’s Association to develop a landing strip on Ming Bar, Beartooth Wildlife Management Area, is respectfully denied.

The area in question will remain in its present management status: open to public use May 15 to December 1; open to non-motorized use only.

RATIONALE FOR THE DECISION

1. Wild by Prescription

Ming Bar is not a wilderness area. Historically, it has been prospected, mined, farmed, roaded, homesteaded and grazed. Seasonally, there is vehicle traffic to the east and boat traffic during the summer to the west and south.

When the Beartooth Ranch was made a public game range 32 years ago, a popular decision was made to forever manage the area in a natural state for the benefit of wildlife. After the November 1990 fire, motorized use was restricted to build more security for big game. This management is the product of a long running public discussion and a formal management planning process which resulted in the 1993 Beartooth WMA Management Plan.

Today Ming Bar is wild by management prescription and the number one, overwhelming majority response to the EA was to keep it that way.

2. TNC Revision Clause in Covenant

At the time the Beartooth Ranch was offered for a game range, the State of Montana did not have the financial resources to acquire it. The Nature Conservancy, an international nonprofit conservation organization committed to preserving biological diversity, purchased the property and held it until the Department of Fish & Game (now FWP) could pay for it.

Before TNC turned over the property in 1970 they put a protective covenant on the deed. The restriction says in part "...the Preserve) shall forever be held as a game range and for no purpose inconsistent therewith and shall be utilized only in accordance with sound game management practices." The TNC reserved their right to review this decision notice and make their own independent decision. (See addendum.)

More than half of the EA commenters mentioned this covenant. Many pointed out that, independent of the real or perceived impacts of airplane landings, there did not seem to be any "benefits" to the land, its resources, the management unit or the management program. There were no mitigating or compensating measures that could be identified.

After reviewing all issues and concerns, FWP believes a landing strip at Ming Bar is inconsistent with the purposes of the Beartooth WMA.

3. Few Benefit at the Expense of Many

It is clear from the EA comment that a majority (85%) are opposed to the airplane landings at the Beartooth. Most of the game range users who commented felt their recreation would be impacted.

The proponents (mostly pilots) felt that use would be limited and there would be very little impact.

No one really knows how many pilots would take advantage of a new opportunity but "30 or so landings a summer" was considered a good guess.

It is apparent from the comments that the majority will not be served by, or support the Montana Pilots Association proposal. FWP does not believe there are any benefits to the purpose of the Beartooth WMA or the majority of the users by allowing aircraft landings on Ming Bar.

4. Not Supported by the Neighborhood

The Devil's Kitchen Working Group is a loose knit collection of landowners, agency representatives and organized sportsmen who are active in the Big Belt Mountains.

They coalesced in 1988 to work on local elk management problems and still meet 3 to 4 times a year.

The group is organized around the concept that a community can manage its neighborhood. It's a consensus council in that nothing happens unless there is agreement or neutrality expressed by those involved.

This group collectively knows more about the Beartooth WMA than any other organization. The airplane proposal was taken to this forum three times. Montana Pilots Association representatives and an Audubon representative addressed the group. The group did not develop a consensus on this issue.

Copies of the EA were sent to every regularly attending member. Several individuals wrote in opposition. No letter or comment was received from this group supporting the use of the airstrip.

The owners of three large ranches neighboring the Beartooth WMA commented in opposition.

5. Maintain Integrity at Beartooth WMA for present and future generations.

WMAs, as well as other areas managed for natural resource values, are critical assets to Montana for present and future generations. The prevailing attitude from the comment is "they will yield their rewards forever if we take care of them."

As our population increases we will ask more from every acre, including the truly wild lands. In the case of the WMAs, there is a need to maximize their value as wildlife habitat.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis in the EA and in consideration of public comment addressed in the Addendum, FWP has selected the preferred alternative of "No Action." This decision is in the best interest of the public, wildlife and wildlife habitat resources, is consistent with current management practices on the Beartooth Wildlife Management Area, specifically the 1993 Beartooth WMA Management Plan, and is in compliance with the protective covenant in FWP's deed for the property.

FWP has reviewed the EA and applicable laws, regulations and policies and has determined that this action will not have a significant effect on the human environment. Therefore, an Environmental Impact Statement will not be necessary.

CONCLUSION

By notification of this Decision Notice, the draft EA is hereby made the final EA. The finding of selection for the preferred alternative of “No Action” is the product of this Decision Notice.

Mike Aderhold
Regional Supervisor

Date

MONTANA FISH, WILDLIFE & PARKS

Ming Bar Recreational Aircraft Landing Area Environmental Assessment

Public Comment and Issues Addendum

Public comment was solicited on the draft Environmental Assessment “Ming Bar Recreational Aircraft Landing Area” from March 22, 2002 through April 30, 2002. A total of 332 written comments were received. Analysis of those comments was as follows:

- 13 were received late and not included in this analysis;
- 271 were received endorsing the draft, preferred alternative of “No Action”;
- 48 were received in support of opening a landing strip as either Alternative 2 or Alternative 3. Most supported Alternative 3, which addressed seasonal use dates of June 1 to August 31.

Public comment addressed several errors, omissions and statements needing clarification. Issues raised and clarifications requested by public comment are addressed below in a Comment/Response format.

Issues and Comment

Comments: No information provided on how the party intends to develop and maintain airstrip; if an airstrip is permitted, no improvements should be allowed.

A variety of comments were received on both sides of the issue. They speculated on the type and amount of development and maintenance that would be needed for an airstrip. If either Alternative 2 or 3 were selected, a maintenance and development plan would be written prior to aircraft landings. Such a plan would identify the level of maintenance required, and identify the party(s) responsible for such maintenance. It would address specific improvements to be made (windsock, cones, mowing, rolling, etc.), their location, by whom the maintenance will be accomplished, when and at whose cost. Clarification of liability and maintenance responsibility would be addressed. A Notice to Airmen would be developed and posted in appropriate regulatory locations. Others who commented believe no maintenance or development of any kind should be permitted and that the Strip should remain in its primitive status.

Comments: The area affected is only 4-5 acres. The area affected is more than 700 acres.

The surface of Ming Bar encompasses approximately 700 acres. Due to the “flat” nature of the Bar and the general lack of woody cover, aircraft landings would be visible and audible to other recreationists or wildlife on Ming Bar. Less than five acres would be physically impacted by aircraft tires. Consideration of direct impacts to the land, including vegetation and soils, is limited to the five-acre “footprint” to be occupied by a proposed strip. Direct impacts to the greater 700-acre Ming Bar area are addressed under the categories of Air, Water, Fish/Wildlife, Noise, Risk/Health Hazards, Public Services, and Aesthetics. Some impacts outside the 700-acre Ming Bar area are

possible, but more difficult to quantify due to expected variation in flight paths and elevations of recreational aircraft using Ming Bar.

Comment: The EA doesn't address hang gliders, ultra lights or other non-traditional aircraft.

The analysis was intended to address small fixed-wing aircraft, helicopters, and all other possible motorized aircraft use of Ming Bar, including motorized hang gliders, ultra-light aircraft, or other non-traditional aircraft.

Comment: The EA estimates there will be only 30 landings per year.

On page 12, 5g, the EA referred to 30 landings per year simply as an example relative to the impacts being discussed in that section. The EA makes no attempt to estimate the number of landings that might occur under either alternative, because little information was available to allow predictions of use. The MPA did not provide any supporting information on the predicted amount of use, or actual use of any other similar airstrip. Opinions on the number of aircraft landings that might occur under either alternative 2 or 3 vary widely.

Comment: The amount of aircraft use on Schafer Meadows and other Forest Service airstrips is not increasing.

The U.S. Forest Service Hungry Horse Ranger District was contacted to obtain information on the amount of use for the Schafer Meadows Wilderness Airstrip, where they monitor all aircraft landings. They indicated that the amount of use has increased in recent years, and is approaching the maximum acceptable levels under their management plan. Their plan calls for no more than 550 landings per year, of which no more than 6% are administrative landings. In 2001 Schafer Meadows had 540 landings, of which 4% were administrative landings. The Forest Service did not have information on aircraft traffic trends for non-wilderness airstrips in Montana.

Comment: The Aeronautics Division of the Montana Department of Transportation does not oversee the functions as described on page 2, paragraph 9.

The Aeronautics Division registers aircraft and airmen (MCA 67-3-201 and 67-3-211), coordinates and supervises aerial search and rescue operations and administers a loan and grant program to municipal governments to fund airport improvements. Its goal is "to encourage, foster, and assist in the development of aeronautic services within the state; the establishment of airports and other air navigation facilities; and to promote aviation education and safety."

Comment: An airstrip is needed on Ming Bar to provide an emergency landing area.

Airports are available in Helena (21 air miles) and Great Falls (49 air miles) distant from Ming Bar. An additional private airstrip (6U4) is available for emergencies on the Oxbow Ranch, 5.7 air miles downstream from Ming Bar. Like any flat area suitable for landing aircraft, Ming Bar will remain available as an outlet for emergency (forced) landing of aircraft under those circumstances. Montana law (MCA 67-1-204) further

allows pilots to take off and land on all public roads in the State and, in the case of forced landing, on any privately owned lands.

Comment: The Nature Conservancy has already indicated the airstrip would not violate the covenants.

The Nature Conservancy had provided some verbal input on the proposed airstrip prior to their seeing the proposal from the MPA and the Draft EA, but they had not provided an official written statement. They provided the following information in a letter to Graham Taylor, dated April 24, 2002, after being asked to clarify their position: *“As of this time, the Conservancy has not established a position on the landing of aircraft. If the Department chooses to allow landing of recreational aircraft, we will consider the Department’s decision within the legal context and provisions of the covenant at that time.”*

Comment: The bald eagle nests are not within 1 mile of the proposed airstrip.

The EA listed incorrect information on the distances of two bald eagle nests from the proposed airstrip. One bald eagle nest is exactly 1 mile from the proposed airstrip and Ming Bar area. The other bald eagle nest is 2 miles from the proposed airstrip and 1.6 miles from the Ming Bar area. Initial distance estimations were taken from a small-scale map of the nest locations provided by the Montana Natural Heritage Program. Correct distances were obtained from 1:24,000 topographic quadrangle maps.

Comment: Several references on the impacts of aircraft on wildlife were not cited, and some indicate less impact on wildlife than the EA indicates.

Many references were reviewed for this EA. Some studies described limited impacts on wildlife from fixed-wing aircraft; many more demonstrated significant impacts. Literature that was pertinent to aircraft impacts on the wildlife species using Ming Bar were cited. The additional literature mentioned included:

Goodson, N.J. 1978. Status of bighorn sheep in Rocky Mountain National Park. Thesis, Colo. State Univ., Fort Collins, CO. 190 pp.

Miller, G. and E.L. Smith. 1985. Human activity in desert bighorn sheep: what disturbs sheep? Trans. Desert Bighorn Sheep Council. 29:4-7.

Joslin, G. 1986. Montana mountain goat investigations, Rocky Mountain Front. Final Report. Montana Dept. of Fish, Wildlife & Parks. 283 pp.

Joslin, G. 1986. A mountain goat herd decline and energy exploration along Montana’s Rocky Mountain Front. Pp: 253-271 in Joslin, G.L. (ed.) Bienn. Symp. North. Wild Sheep and Goat Council. Missoula, MT.

Comment: The EA does not cite a reference for aircraft collisions with antelope.

Information on collisions with wildlife came from several sources, including a Fact Sheet published by U.S.D.A. Wildlife Services in October 1997. Wildlife Services provides information and advice on how to keep runways and flight paths clear of wildlife. The

fact sheet stated, *“Problem species include deer, moose, antelope, coyotes, dogs, gulls, blackbirds, pigeons, waterfowl, ducks, hawks, starlings, vultures, and others.”*

Comment: The EA did not fully evaluate the impacts of increased low-level aircraft traffic on wildlife using land across Holter Lake from Ming Bar, especially mountain goats and bighorn sheep.

Both mountain goats and bighorn sheep inhabit the rocky slopes of Beartooth Mountain and the Sleeping Giant area across from Ming Bar. Some aircraft would likely make low-level passes over these areas while coming in and out of Ming Bar. Mountain goats are extremely sensitive to both fixed-wing and helicopter aircraft disturbance. The proposed timing of aircraft use would coincide with the sensitive parturition period for both mountain goat and bighorn sheep (May-June), and in the immediate location of prime birthing terrain--the head of the Sleeping Giant. The mountain goat population in the Sleeping Giant area has declined in recent years.

Comment: Aircraft use cannot both displace wildlife and collide with them, as the EA indicates.

Whether a species would tend to be displaced by aircraft use, or tend to use the area and be subject to potential collisions depends on the species and the circumstances. Small, ground-nesting birds such as western meadowlarks, and small mammals are most likely to be displaced by aircraft use, due to both vegetation changes on the airstrip and disturbance. Larger species such as deer, elk, and antelope would tend to be displaced by disturbance, especially during fawning periods. However, aircraft use would be sporadic so big game would not be totally excluded from the area, and collisions could still occur. Larger water birds such as waterfowl and gulls would not be displaced by aircraft use, and these species are commonly implicated in aircraft-bird collisions.

Comment: FWP surveys wildlife using aircraft over the Beartooth WMA and Ming Bar; doesn't that negatively impact wildlife?

FWP personnel occasionally use aircraft to census and survey wildlife numbers and distribution on and around Ming Bar and the Beartooth WMA. In general, any individual animal on the Beartooth WMA will be exposed to aircraft disturbance a maximum of one to three times per year from FWP aerial surveys. Although FWP recognizes that aerial surveys have potentially negative impacts on wildlife, the benefits of having adequate data for management decisions necessitate these surveys. FWP wildlife surveys are conducted by fixed-wing aircraft when possible, both due to lower costs and lower impacts than using helicopters.

Specific use of airspace over the entire WMA during recent years, by species and approximate flight time, is summarized below. Proportional flight time over Ming Bar would represent less than 10% of total flight time on the WMA.

Antelope: 1 fixed-wing flight lasting 45 minutes in July, over the open grassland areas of the WMA. Survey protocol prescribes this survey once every three years.

- Deer: No regular aerial surveys conducted (one 2-hour helicopter winter survey has been conducted in last 6 years).
- Elk: One or two fixed-wing flights each winter, with each flight over the WMA lasting 1.5 to 2 hours. A similar, one-time, winter census/survey was conducted using a helicopter in 1998.
- Mountain Goat: As part of a larger survey area (HD 451), 15-20 minutes of helicopter survey is spent in the Willow Creek drainage on the WMA in late summer or early fall. Protocol is to conduct this survey by helicopter once every 3 years, and by fixed wing in the intervening years. This survey was actually conducted in 1995 (helicopter) and 2001 (helicopter), with no aerial surveys in the intervening years.
- Bald Eagle: 2 fixed-wing surveys lasting 20 minutes each in April and June, mostly focused along the Missouri River.
- Bighorn Sheep: Fixed-wing surveys were conducted at frequent intervals from 1995 through 1997, as part of an intensive Ph.D. study of bighorn sheep on the Beartooth WMA. Since 1997, no specific aerial surveys have been conducted for sheep over the Beartooth WMA, although sheep observations are occasionally made during survey flights for other species.

Comment: Allowing an airstrip on Ming Bar will set a precedent for letting this type of recreation occur on other wildlife management areas.

Each State of Montana Wildlife Management Area is managed according to its individual WMA Management Plan, although some general regulations apply to all WMAs (such as winter closures on all WMAs that have winter range for big game). Future proposals that are in variance with a specific management plan would be considered on a case-by-case, WMA by WMA, basis.

Comment: Aircraft should not be allowed into Ming Bar because it is wilderness.

Some comments incorrectly referred to the Ming Bar area as wilderness. The Ming Bar area has never been designated as a wilderness area, where all motorized access is prohibited. Ming Bar is managed for non-motorized recreation, and motorized access by the public is prohibited. A limited amount of motorized access for administrative purposes has taken place during the summer months on Ming Bar. Administrative activities have primarily included weed control, law enforcement, and wildlife monitoring. Motorized administrative access to Ming Bar is avoided during the hunting season.

Comments: Woolly mullein is not a noxious weed. FWP should provide information on the noxious weeds that have already been documented on the Beartooth, and what is being done about them.

Woolly (or Common) Mullein (*Verbascum thapsus*) was erroneously listed as a noxious weed in the draft EA. It is not on the official noxious weed list for Montana. FWP annually produces a weed report for its Wildlife Management Areas, including the Beartooth. It is available for public review. Aggressive weed control activities on the

Beartooth WMA focus on Dalmatian Toadflax, Spotted Knapweed, Houndstongue, Canada Thistle and Leafy Spurge.

Comment: It was inappropriate to attach the internal memo from Kristi DuBois to the EA (Attachment D).

Inclusion of an internal, Wildlife Division memorandum as Attachment D was made for two purposes. That memo includes an extensive listing of literature cited as referenced in the internal EA text. Secondly, it provides additional information pertinent to the analysis of a proposed landing strip.